

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
IN TACOMA

HP TUNERS, LLC,)	
)	
Plaintiff,)	No. CV17-5760BHS
)	
v.)	
)	
KEVIN SYKES-BONNETT and)	
SYKED ECU TUNING,)	
INCORPORATED,)	
)	
Defendants.)	

TRO HEARING

August 29, 2018

BEFORE THE HONORABLE BENJAMIN H. SETTLE
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiff: Andrew Bleiman
MARKS & KLEIN
Stephen Leatham
HEURLIN POTTER JAHN LEATHAM
HOLTMAN & STOKER

For the Defendants: John Whitaker
Tyler Kendrick
LANE POWELL

Proceedings stenographically reported and transcript
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10:10:04AM 25

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10:54:19AM 1 You are saying it should also preclude further disclosure.
10:54:24AM 2 I think that's all -- or dissemination. That's what you
10:54:28AM 3 are seeking, and I think, essentially, that's agreed to.

10:54:30AM 4 MR. BLEIMAN: Yeah. I mean, there is a bunch of
10:54:31AM 5 additional --

10:54:32AM 6 THE COURT: That is essentially agreed to.

10:54:35AM 7 MR. BLEIMAN: We will try to work together to
10:54:37AM 8 fashion the relief.

10:54:38AM 9 THE COURT: That's what I am asking. I think you
10:54:40AM 10 need to be satisfied that it is thorough enough to fulfill
10:54:42AM 11 the purpose. I don't want to sit here and try and craft
10:54:48AM 12 all the particular language. I am going to ask
10:54:51AM 13 Mr. Whitaker to work with you. I understand that Sykes is
10:55:00AM 14 conceding these points, so it should be broad to protect
10:55:07AM 15 those items.

10:55:10AM 16 MR. BLEIMAN: As far as the sale of the
10:55:11AM 17 competitive products or the turn-over of a cable so we can
10:55:15AM 18 have it examined, try to work together on that? Are you
10:55:22AM 19 ruling on that?

10:55:23AM 20 THE COURT: Are we talking about the cloned
10:55:26AM 21 cable?

10:55:26AM 22 MR. BLEIMAN: No. We are talking about the Syked
10:55:29AM 23 eliminator cable.

10:55:30AM 24 THE COURT: The eliminator cable?

10:55:39AM 25 MR. BLEIMAN: Right.

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10:55:40AM 1 THE COURT: You want one of theirs for what
10:55:44AM 2 purpose?

10:55:45AM 3 MR. BLEIMAN: To forensically examine it so that
10:55:48AM 4 we can demonstrate that it is a duplicate of our cable.

10:55:49AM 5 THE COURT: That seems like a discovery issue.
10:55:51AM 6 Is there any problem with that?

10:55:53AM 7 MR. WHITAKER: No, your Honor, with the
10:55:54AM 8 understanding that normal discovery rules apply.

10:55:57AM 9 THE COURT: Right. There will be a protective
10:56:01AM 10 order and so forth. You should be able to work that out.

10:56:04AM 11 MR. BLEIMAN: As far as him, Mr. Sykes, being
10:56:19AM 12 able to continue selling the software and the cable
10:56:23AM 13 publicly pending the hearing on preliminary injunction, is
10:56:27AM 14 that something you are going to rule on?

10:56:29AM 15 THE COURT: I am going to rule on that. We can
10:56:32AM 16 take it up right now. I don't know that we have made
10:56:36AM 17 enough progress here from where we were ten months ago.
10:56:45AM 18 The big problem is likelihood to prevail on the merits.
10:56:48AM 19 There are lots of contested issues here. The court can't
10:56:51AM 20 make a factual finding at this point that either party is
10:56:54AM 21 likely to succeed. The assertions in some cases are just
10:56:59AM 22 poles apart.

10:57:01AM 23 And furthermore, the hardships, I think, in this
10:57:04AM 24 case, weigh in favor of the defendant. Just how much his
10:57:12AM 25 business might be destroyed is difficult to evaluate. But

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